Environmental Impact Statement (EIS) Process

June 2008

1. Letter of Initiation (LOI)

- a. Region Environmental requests UDOT Environmental Services to prepare LOI.
- b. UDOT Environmental Services prepares LOI and submits to FHWA.
 - The LOI should be completed prior to the Consultant Selection Process.
- c. FHWA and UDOT identify any other Lead Agencies
 - The Joint Lead Agencies, typically represented by the FHWA Area Engineer and the UDOT Project Manager, may invite a sub recipient to be a Joint Lead Agency.

2. Consultant Selection (03E)

- a. UDOT Consultant Services oversees the selection of a Consultant to prepare the EIS.
 - UDOT Region and UDOT Environmental Services should assist PM in preparing Scope of Work and Cost Estimate.

3. Project Team (07E)

- a. Suggested Team may include:
 - Consultant
 - UDOT Project Manager
 - FHWA Area Engineer
 - UDOT Environmental Services Representative
 - UDOT Region Environmental
 - Federal, State, Local Agencies as applicable

4. Administrative Record (57E)

a. Consultant will maintain Administrative Record for the project.

5. Notice of Intent (NOI) (09E)

- a. Consultant prepares NOI from template and forwards it to both UDOT Region Environmental and UDOT Environmental Services.
- b. UDOT Environmental Services reviews NOI and submits it to FHWA AE.
- c. FHWA sends NOI to Environmental Protection Agency (EPA) for publication in Federal Register (FR).

6. Cooperating and Participating Agencies (05E/13E)

- a. The Joint Lead Agencies identify Cooperating and Participating Agencies
 - Cooperating Agencies have jurisdiction by law or special expertise regarding the proposed action.

- Participating Agencies are any agencies that may have an interest in the project.
- b. The Consultant prepares the invitations from templates and inserts on appropriate letterhead, obtains signatures and mails.
 - FHWA letterhead will be used for Federal and Tribal Agencies and UDOT letterhead will be used for State Agencies.
 - UDOT letterhead will be used for State Agency letters and will be sent through the RDCC. UDOT ES will provide a template of this letter.
 - In the event of non-response to the invitation letters, Federal Agencies are assumed to accept the invitation. Conversely, in the absence of an affirmative response, non-Federal Agencies are assumed to decline the invitation.

7. Coordination Plan and Schedule (05E)

- a. The Consultant develops, for approval by the Joint Lead Agencies, the Coordination Plan and Schedule based on the template provided by UDOT ES.
 - Schedule should be realistic and consider: Participating Agencies' responsibilities under applicable laws, Cooperating and Participating Agencies' resources, project size, complexity, overall schedule, sensitivity of natural and historic resources affected, and degree of public controversy.
 - With the exception of the Draft EIS review, all other review times should be less than or equal to 30 days.
 - The Coordination Plan should identify all Cooperating and Participating Agencies, their project representatives, and contact information.
- b. Consultant will distribute Coordination Plan and Schedule to all Cooperating and Participating Agencies for Comment. Received comments will be incorporated into the Coordination Plan and Schedule.
 - The Coordination Plan is a living document that can be modified at anytime. Modified plans should be circulated for comment to all Cooperating and Participating Agencies.

8. Environmental Scoping (13E)

a. Consultant prepares and holds scoping meeting(s) to collect input on purpose and need from public and agencies.

9. Prepare Chapter 1 (Purpose and Need) and Chapter 2 (Identification of Alternatives) (17E, 19E)

- a. Joint Lead Agencies use information gathered from Scoping process to develop Purpose and Need and Alternatives.
- b. Coordinate Methodologies to be used when evaluating resource impacts and screening alternatives
- c. Consultant prepares and holds public meeting(s) to present Purpose and Need and Alternatives
- d. Consultant writes Chapter 1 and Chapter 2
- e. Project Team concurrently reviews Chapter 1 and Chapter 2.

- f. Consultant holds Comment Resolution Meeting.
 - Joint Lead Agencies reach agreement on Purpose and Need and Alternatives.
- g. Consultant distributes Chapter 1 and Chapter 2 to Cooperating and Participating Agencies and makes Chapter 1 and Chapter 2 available to the public.
- h. Consultant collects comments from Cooperating and Participating Agencies and the public. Comments received will be considered for incorporation into the Draft EIS.

10. Preparation of Draft Environmental Impact Statement (DEIS) (21E, 23E, 25E, 29E)

a. Consultant prepares DEIS.

The DEIS may contain the following sections:

- Identification of Preferred Alternative
 - o Consult with FHWA to determine if Preferred Alternative should be identified in the DEIS.
- Section 4(f) Analysis if applicable

11. Internal Review of DEIS (31E)

- a. Consultant distributes copies of the DEIS to the Project Team.
- b. Project Team concurrently reviews.
- c. Consultant prepares comment matrix for reviewers to submit comments with. UDOT Region Environmental and UDOT ES coordinate comments and submit one set of comments.
- d. Consultant sorts out substantive comments that require discussion for resolution.
- e. Consultant holds comment resolution meeting with Project Team
- f. Consultant revises document.

Repeat as necessary.

12. Pre-Legal Review of DEIS (33E)

- a. Consultant distributes copy of DEIS to both UDOT Environmental Services and UDOT Region Environmental.
- b. UDOT ES forwards 2 copies of DEIS to FHWA AE requesting legal review. FHWA AE reviews and sends DEIS to Western Legal Services (WLS) for review.
- c. WLS reviews for legal sufficiency and issues comments to FHWA AE.
- d. FHWA reviews and clarifies comments with WLS. FHWA AE forwards WLS comments to UDOT ES, UDOT Region Environmental and Consultant.
- e. Consultant prepares comment and response matrix for WLS comments. If needed, hold a conference call with WLS to discuss comments.
- f. Consultant Revises DEIS

Repeat process until Legal is satisfied or FHWA determines comments have been adequately addressed.

13. Approval of DEIS for Circulation

a. Consultant obtains EIS number from UDOT ES

- b. Consultant provides three bound DEIS and one loose cover sheet to UDOT Region Environmental
- c. UDOT Project Manager or Director signs and dates 3 cover sheets in bound DEIS document and one loose cover sheet.
- d. UDOT Region Environmental forwards the three signed bound DEIS documents and one loose cover sheet to UDOT Environmental Services.
- e. UDOT Environmental Services forwards the following to FHWA AE: three DEIS documents, one signed loose cover sheet and written request for FHWA approval for circulation of document for public comment.
- f. FHWA AE or Director signs and dates three DEIS documents and one loose cover sheet.
- g. FHWA returns one signed cover sheet to Consultant, one signed DEIS document to Region Environment, and one signed DEIS document to UDOT Environmental Services. FHWA keeps the remaining signed DEIS document.

14. Circulation of DEIS (37E)

- a. Consultant prepares electronic Notice of Availability (NOA) from template.
- b. UDOT Region and UDOT Environmental Services reviews NOA.
- c. Consultant sends NOA and five copies of DEIS to EPA for publication in Federal Register. Follow EPA filing instructions from FHWA.
 - Official DEIS comment period begins on publication date of NOA and extends for at least 45 days, but not longer than 60 days.
- d. No later than the date that the DEIS is filed with EPA, the Consultant:
 - 1. Distributes DEIS following the FHWA Distribution List.
 - 2. Sends two hard copies and four CDs of the DEIS to FHWA AE.
 - 3. Sends the DEIS with request for comments to Cooperating and Participating Agencies.
 - 4. Sends 18 copies to DOI if 4(f) present.
 - 5. Makes DEIS available in public locations such as libraries, city halls, UDOT regional offices, etc.
 - 6. Notifies interested parties of NOA via postcard or newsletter.
 - 7. Publishes two notices of the NOA in local and state-wide newspapers and on websites. (One each week, for two weeks, prior to public hearing.)
- e. Consultant captures public, agency, and organization comments on DEIS.

15. Public Hearing (35E)

- a. Consultant prepares and makes arrangements for public hearing
 - A public hearing on a circulating DEIS must be held at least 15 days after the date that the NOA appears in FR.
 - Consultant arranges for court reporter
- b. Hold public hearing.
- c. Consultant collects public hearing comments.
- d. Consultant has UDOT Region Environmental or Environmental Services sign Official Public Hearing Transcript.

16. Production of Draft FEIS (39E, 41E, 45E)

- a. Project team meets to discuss comments received on DEIS and how to respond.
- b. Consultant produces draft FEIS

17. Internal Review of Draft FEIS (41E, 47E)

- a. Consultant distributes copies of the draft FEIS to the Project Team.
- b. Project Team concurrently reviews.
- c. Consultant prepares comment matrix for reviewers to submit comments with.
- d. Consultant sorts out substantive comments that require discussion for resolution.
- e. Consultant holds comment resolution meeting with Project Team
- f. Consultant revises document.

Repeat as necessary.

18. Legal Sufficiency Review of Draft FEIS (43E)

- a. Consultant distributes copy of FEIS to both UDOT Environmental Services and UDOT Region Environmental.
- b. UDOT ES forwards 2 copies of DEIS to FHWA AE requesting legal review. FHWA AE reviews and sends DEIS to Western Legal Services (WLS) for review.
- c. WLS reviews for legal sufficiency and issues comments to FHWA AE.
- d. FHWA AE forwards WLS comments to UDOT ES, UDOT Region Environmental and Consultant.
- e. Consultant prepares comment and response matrix for WLS comments. If needed, hold a conference call with WLS to discuss comments.
- f. Consultant Revises FEIS

Repeat process until Legal is satisfied or FHWA determines comments have been adequately addressed.

19. Approval of FEIS for Circulation.

- Consultant provides three bound FEIS and one loose cover sheet to UDOT Region Environmental
- b. UDOT Project Manager or Director signs and dates 3 cover sheets in bound FEIS document and one loose cover sheet.
- c. UDOT Region Environmental forwards the three signed bound FEIS documents and one loose cover sheet to UDOT Environmental Services.
- d. UDOT Environmental Services forwards the following to FHWA AE: three FEIS documents, one signed loose cover sheet and written request for FHWA approval for circulation of document for public comment.
- e. FHWA AE or Director signs and dates three FEIS documents and one loose cover sheet.
- f. FHWA returns one signed cover sheet to Consultant, one signed FEIS document to Region Environment, and one signed FEIS document to UDOT Environmental Services. FHWA keeps the remaining signed FEIS document.

20. Circulation of FEIS (51E)

- a. Consultant prepares electronic Notice of Availability (NOA) from template.
- b. UDOT Region and UDOT Environmental Services reviews NOA.
- c. Consultant sends NOA and five copies of FEIS to EPA for publication in Federal Register. Follow EPA filing instructions from FHWA.
 - 30 day waiting period for final decision begins on publication date of NOA in FR.
- d. No later than the date that the FEIS is filed with EPA, the Consultant:
 - 1. Distributes DEIS following the FHWA Distribution List.
 - 2. Sends two paper copies and four CDs of the FEIS to FHWA AE.
 - 3. Sends the FEIS with request for comments to Cooperating and Participating Agencies following the distribution list.
 - 4. Makes FEIS available in public locations such as libraries, city halls, UDOT regional offices, etc.
 - 5. Notifies interested parties of NOA via postcard or newsletter.
 - 6. Publishes two notices of the NOA in local and state-wide newspapers and on websites.
- e. Consultant captures public, agency, and organization comments on FEIS.

21. 30-day Waiting Period (51E)

• No decision can be made on an FEIS until 30 days after the NOA is published in the FR. This waiting period is not a required comment period. However, the Lead Agencies can seek comment on a specific unresolved issue discussed in the FEIS during this period, and other agencies or persons may make comments prior to the final. The comment period runs concurrently with the 30-day waiting period. Ideally, comments should focus on commitments discussed in the FEIS and on conditions that parties want the lead agencies to include in the ROD.

22. Draft Record of Decision (53E)

- a. Consultant prepares electronic Draft ROD from template.
- Work should begin on the Draft ROD during the 30-day Waiting Period.
- b. Consultant submits electronically to both UDOT Region Environmental and UDOT Environmental Services for approval
- c. UDOT Environmental Services submits electronic copy to FHWA AE

23. Record of Decision (53E)

- a. FHWA AE finalizes ROD for signature.
- b. FHWA DA signs and dates ROD.
- c. FHWA AE sends copy of signed ROD to UDOT Environmental Services, UDOT Region Environmental, and Consultant.
- d. Consultant distributes signed ROD to Joint Lead Agencies, and Cooperative and Participating Agencies.

24. Statute of Limitations (SOL)

- a. Region Environmental obtains 404 permits. Region sends a copy of the permit to FHWA.
- b. UDOT Environmental Services requests FHWA prepare the SOL
- c. FHWA prepares the SOL
- d. FHWA submits SOL for publication in Federal Register
- e. Waiting period of 180 days.
- f. If applicable, after 180 days, notify Congress of any permit decisions/actions that have not been resolved.